

Presentation before House Standing Committee on Judiciary
May 12, 2011

Good Morning: Chairman Walsh and Members of the Standing Committee of the Judiciary

My name is Ali R. Freeman. I come before this committee as a citizen, volunteer, business owner and an Attorney or (Officer of the Court) to offer my full support of Senate Bill No. 159 under the basic premise that every person within this state must maintain the right previously granted by the legislature to effect the change of their circumstances by addressing mistakes presented as felony convictions from their past. Those past convictions currently limit or prohibit a citizen's ability to move forward in life regardless of the amount of education obtained and/or full repayment of their individual debt to society via criminal sanctions including jail time.

Senate Bill No. 159 which provides statutory guidelines for setting aside a conviction i.e. the expungement of a criminal offense takes the appropriate steps toward advancing the goal and intent of the initial law passed by the legislature which was to allow for the removal of one felony offense in a citizen's criminal history. Unfortunately, the current law as it is written provides a prohibition and in some cases a permanent bar of its use if a citizen commits one of a number of misdemeanor traffic offenses i.e. Driving without insurance, Driving with license suspended, operating under the influence to name a few. If the intent of the original law was to allow a citizen to clear their record of a felony conviction from a period of five to fifty years ago, then to have that right precluded and forever taken away from that citizen because of a misdemeanor conviction appears on its face to be inconsistent with the carrot of forgiveness that the legislature originally offered as a means to assist our citizens on their path to recovering and/or generating a new career path or family life for themselves.

I come before you as an attorney who frequently volunteers his time throughout the tri-county area (Wayne, Oakland and Macomb Counties) for Legal Aid and Defender Association on an average of ten hours per week. For the record, I am not an employee of LADA nor do I speak for or on behalf of LADA. Based on my personal past experiences screening and assisting many individual citizens who seek Pro Bono guidance and support from this great organization, it has become a common fact that many persons that I screen for assistance are denied assistance because of misinformation

and/or lack of knowledge of the statute's limitation regarding misdemeanor traffic offenses. I cannot convey to this committee how disappointing it is to inform a citizen that they are ineligible to receive our assistance because although they were convicted thirty years ago for possession of a concealed weapon, drugs or any other offense covered by the statute they are prohibited or barred because of a misdemeanor traffic offense conviction because they did not have enough money to pay their insurance premium or renew their license tags during these tough economic times. To some, it may sound like an excuse, but unfortunately, it is all too common during our country's economic downturn which has hit Michigan citizens harder than in most other states.

Senate Bill 159 can enhance the great opportunity provided in the original legislation by allowing citizens regardless of their age convicted of ONE felony and now the possibility of TWO misdemeanor convictions to have the felony conviction removed from their public record. With the new amendments provided in this legislation, forgiveness and redemption is granted for all citizens young and old in the state of Michigan.

There are many people who have committed senseless non-violent crimes during their youth, who currently under existing law cannot expunge their records in order to obtain better employment and in some cases are precluded from entering certain educational programs and curriculum. Many have come to the LADA office desiring the opportunity to change employment only to find that the misdemeanor conviction made them ineligible for the expungement process and therefore they must remain in their current lower paid position because if they attempt to seek new or higher salaried employment they would fail the background exam and may be unable to return to their previous place of employment. How long should a felony conviction haunt an individual because of a subsequent misdemeanor? People make mistakes, especially when they are young and not fully aware of the consequences of their actions at that time, let alone, thirty to forty years later.

Finally, if there is one action item that must be addressed it would be the lack of language regarding discretion of the judge in all of these cases. The former and current legislation must be amended to grant the powers necessary to allow judicial discretion from the trial court so that just decisions can be rendered in a process consistent with the true intent of the legislation.

We must continue to be the state that is ahead of the legislative curve as it relates to the support and elevation of its citizen's rights and protections. When we provide the methods and tools necessary to improve their employment situation and uplift the spirits of thousands of Michigan citizens then our state can begin to reclaim the true meaning of the "Great" Lake State. At that time, we will foster more than great lakes we will encourage great citizens participation of the American dream here in Michigan.

In order to be great, one must first be a servant of others. This body can take the unusual step of serving the best interest of its citizens without participating in political rhetoric and/or posturing by uniting decision of both chamber's and passing Senate Bill 159.

I thank this committee and specifically, Representative Phil Cavanagh for inviting me to speak before this body regarding the expungement issue and how it affects so many unnamed citizens here in Michigan. I pray that something I have said today can add to the discussion regarding this legislation and lead to a vote that is favorable to this cause.

Thank you again and God Bless you all.